

Attorney Docket No. 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
For: *MODIFIED CALYCINS*

Confirmation No. 9501

May 9, 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECH CENTER 1600/2900
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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a) AND STATEMENT OF SUPPORT**

2 DEC 2005

Sir:

Legal Staff
International Division

Please consider this Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181(a) for the above-referenced application in light of the supporting facts and statements presented below.

- (1) The present application was filed on August 13, 2001.
- (2) A Notification of Missing Requirements was issued by the U.S. Patent and Trademark Office ("USPTO") on October 9, 2001.
- (3) On December 10, 2001 (Monday), Petitioner filed a Submittal of Declaration Under 37 C.F.R. §1.63), a Declaration and Power of Attorney for Patent Application and a return receipt postcard (copies attached as Exhibit A). On January 16, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of January 8, 2002, indicating official receipt of the above-mentioned papers at the USPTO on January 8, 2002 (a copy is attached as Exhibit B).
- (4) A Notice of Acceptance of Application and a Filing Receipt were issued by the USPTO on January 28, 2002.
- (5) A Withdrawal of Previously Sent Notice and a second Notification of Missing Requirements were issued by the USPTO on February 27, 2002.
- (6) On April 29, 2002 (Monday), Petitioner filed a Statement In Support of Filing a Sequence Listing Under 37 CFR §1.821(f), including a sequence listing in both paper and computer readable format, and a postcard receipt (copies

BEST AVAILABLE COPY

attached as Exhibit C). On May 17, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of May 7, 2002, indicating official receipt of the above-mentioned papers at the USPTO on May 7, 2002 (a copy is attached as Exhibit D).

- (7) A Notification of Defective Response was issued by the USPTO on July 30, 2002, indicating that the computer readable form of the sequence listing was found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.
- (8) On August 7, 2002, Petitioner filed a Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit E). On August 21, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of August 12, 2002, indicating official receipt of the above-mentioned papers at the USPTO on August 12, 2002 (a copy is attached as Exhibit F).
- (9) A Notification of Defective Response was issued by the USPTO on October 17, 2002, indicating that the computer readable form of the sequence listing was found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.
- (10) On October 24, 2002, Petitioner filed a Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit G). On November 3, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of October 29, 2002, indicating official receipt of the above-mentioned papers at the USPTO on October 29, 2002 (a copy is attached as Exhibit H).
- (11) A Status Inquiry was filed by Petitioner on April 25, 2003. No response was received from the USPTO.
- (12) A Notification of Defective Response was issued by the USPTO on June 22, 2004, indicating that the computer readable form of the sequence listing was

found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.

- (13) On July 21, 2004, Petitioner filed a Response Under 37 CFR 1.825(d) and Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit I). On July 26, 2004, Petitioner received the return receipt postcard bearing an OIPE stamp of July 21, 2004, indicating official receipt of the above-mentioned papers at the USPTO on July 21, 2004 (a copy is attached as Exhibit J).
- (14) A Notice Under 37 CFR 1.251 was issued by the USPTO on January 24, 2005, indicating that the USPTO was unable to locate the file and was initiating a reconstruction of the file.
- (15) On January 31, 2005, Petitioner mailed an executed copy of the Notice Under 37 CFR §1.251, a complete photocopy of the file history of the application, and a postcard receipt (photocopies of the Notice and postcard only attached as Exhibit K). On February 7, 2005, Petitioner received the return receipt postcard bearing an OIPE stamp of February 2, 2005, indicating official receipt of the above-mentioned papers at the USPTO on February 2, 2005 (a copy is attached as Exhibit L).
- (16) On April 5, 2005, a Notice of Abandonment for lack of reply to the Office Action issued, and was received at our office on April 21, 2005.

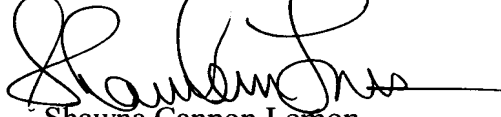
The Notice of Abandonment states: "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed February 27, 2002 within the time period set therein." However, as evidenced above, Petitioner replied to each paper issued by the USPTO within the time period set. Each action taken by the Petitioner was a *bona fide* attempt to respond to the communications received from the USPTO. Thus, Petitioner requests that the above-identified application be restored to active status for at least the reasons discussed above, and that a Withdrawal of the Notice of Abandonment be sent to the undersigned attorney via facsimile at the earliest possible opportunity. The USPTO is encouraged to contact the undersigned attorney by telephone

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
Page 4

should any further matters need to be addressed. This Action is being promptly taken after receiving the Notice of Abandonment.

Petitioner believes that no fee is due. However, the Commissioner is authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully Submitted,



Shawna Cannon Lemon
Registration No. 53,888

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 675782761 US

Date of Deposit: May 9, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



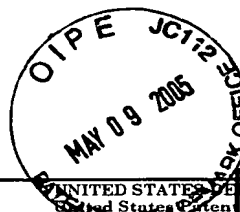
Susan E. Freedman

Date of Signature: May 9, 2005

SCL



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22304-1450
 www.uspto.gov

COPY

U.S. APPLICATION NUMBER NO. 09/913,522	FIRST NAMED APPLICANT John Findlay	ATTY. DOCKET NO. 9052.88
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INTERNATIONAL APPLICATION NO.

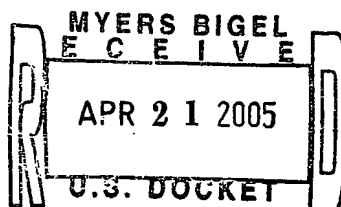
PCT/GB00/00517

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

02/17/2000

02/18/1999

20792
 MYERS BIGEL SIBLEY & SAJOVEC
 PO BOX 37428
 RALEIGH, NC 27627



CONFIRMATION NO. 9501

371
 ABANDONMENT/TERMINATION
 LETTER



OC000000015660695

Date Mailed: 04/05/2005

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/27/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

04-11-05 10:10:11



Attorney Docket No. 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **John Findlay**
Serial No.: **09/913,522**
Filed: **August 13, 2001**
For: **MODIFIED CALYCINS**

Examiner: **Unknown**
Group Art Unit: **Unknown**

Date: December 10, 2001


BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified application that has been executed by the named inventors.

A check in the amount of \$130.00 is enclosed to cover the filing fee and the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 50-0220.

Customer Number:  20792
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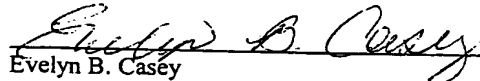
Respectfully submitted,



Robert J. Smith
Registration No. 40,820

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on December 10, 2001



Evelyn B. Casey

Date of Signature: December 10, 2001



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 9052-88

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFIED CALYCINS**,

the specification of which

☐ is attached hereto

OR

☒ was filed on August 13, 2001 as United States Application No.09/913,522.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

PCT/GB00/00517	GB	02/17/2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

None	
Application Number(s)	Filing Date (MM/DD/YYYY)

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

None		
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Customer Number

20792

20792

PATENT TRADEMARK OFFICE

Send correspondence to:

Robert J. Smith
Myers Bigel Storey & Sajovec
Post Office Box 37428
Raleigh, NC 27627

Direct telephone calls to:

Robert J. Smith
(919)854-1400

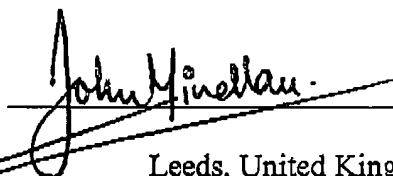
Facsimile:

(919) 854-1401

Full name of sole inventor: John Findlay

Inventor's

Signature:



Date:

05 / 12 / 01

Residence:

Leeds, United Kingdom

Citizenship:

United Kingdom

Post Office Address: Oakdene

Newlay Wood Drive

Horsforth

Leeds LS18 4LL

UNITED KINGDOM

Commissioner for Patents
Washington, DC 20231

RJS/kbc

Date: 12/10/01
Doc. No. 9052-88
Serial No. 09/913, 522
Inventor: Findlay

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

☐ Application Transmittal and ☒ Check \$ 100.00 65.00
☐ Specification pages ☐ IDS & PTO-1449 & refs.
☐ No. of Claims ☐ Amendment & Amend. Transmittal
☒ Declaration & POA ☐ Preliminary Amendment
☐ Assignment and Fee ☐ Issue Fee
☐ Small Entity Statement ☐ Brief
☐ Formal Drawings/ sheets ☐ Appeal
☐ Associate Power of Attorney ☐ Submittal of Priority Doc.
☐ Exp. Mail ☒ 1st Class Mail
Other:

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant



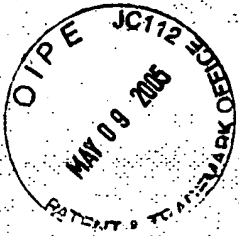
MYERS BIGEL SIBLEY & SAJOVEC, P.A.

Patent Lawyers
P.O. Box 37428
Raleigh, NC 27627

01-16-02A09:53 RCVD

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9052.88/KAM:vp
April 29, 2002

Commissioner for Patents
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your
receiving date stamp hereon and mailing:
Re: Findlay; S/N 09/913,522; Filed 11/8/01

**STATEMENT IN SUPPORT OF FILING A SEQUENCE LISTING;
SEQUENCE LISTING - HARDCOPY AND DISKETTE;
REQUEST FOR APPROVAL OF DRAWING CORRECTIONS;
ONE SHEET DRAWINGS (WITH CORRECTIONS IN RED INK);
COPY-NOTIFICATION OF MISSING REQUIREMENT**

Respectfully,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant



Attorney Docket No. 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
For: *MODIFIED CALYCINS*

Examiner: Unknown
Group Art Unit: 1614

April 29, 2002

Commissioner for Patents
Washington, DC 20231

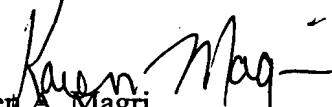
STATEMENT IN SUPPORT OF FILING A
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

A Notification of Missing Requirements (form PCT/DO/EO/905, "the Notice") has been issued in the present case. A paper copy containing the sequence listing required by 37 C.F.R. §1.821(c) for nucleotide and peptide sequences described in the specification is submitted herewith. The sequences are also hereby provided in a computer readable form on computer diskette as required by 37 C.F.R. §§ 1.821(e) and 1.824. The Applicant has been directed to provide a statement attesting that the sequences contained in the computer readable form of the sequence listing are the same as the sequences set forth in the paper copy, and that no new matter has been added.

I hereby state as required by 37 C.F.R. § 1.821(f) that the content of the paper copy of the Sequence Listing and the computer readable copy are the same. I also hereby state as required by 37 C.F.R. §1.825(a) that the substitute sheets contain no new matter.

Respectfully submitted,


Karen A. Magri
Registration No. 41,965




20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on April 29, 2002.


Vickie Diane Prior
Date of Signature: April 29, 2002

Diskette Ref. No: 9052-88
Applicants: Findlay, John
Title: Modified Calcyclins
Appl. No.: US 09/913,522
Filing Date: November 8, 2001
Date Recorded: April 25, 2002
Computer: IBM NetVista
Operating System: Windows 2000

Diskette Ref. No: 9052-88
Applicants: Findlay, John
Title: Modified Calcyclins
Appl. No.: US 09/913,522
Filing Date: November 8, 2001
Date Recorded: April 25, 2002
Computer: IBM NetVista
Operating System: Windows 2000

SEQUENCE LISTING

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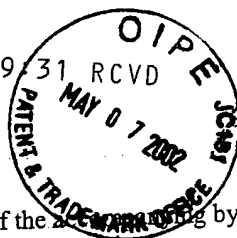
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1 5 10 15

05-17-02A09 31 RCVD

9052.88/KAM:vp
April 29, 2002

Commissioner for Patents
Washington, DC 20231



Sir: Kindly acknowledge receipt of the ~~document~~ by placing your
receiving date stamp hereon and mailing:
Re: Findlay; S/N 09/913,522; Filed 11/8/01

**STATEMENT IN SUPPORT OF FILING A SEQUENCE LISTING;
SEQUENCE LISTING - HARDCOPY AND DISKETTE;
REQUEST FOR APPROVAL OF DRAWING CORRECTIONS;
ONE SHEET DRAWINGS (WITH CORRECTIONS IN RED INK);
COPY-NOTIFICATION OF MISSING REQUIREMENT**

Respectfully,

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

IC20 Rec'd PCT/PTO 07 MAY 2002

9052.88/KAM:vp
August 7, 2002

Commissioner for Patents
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your
receiving date stamp hereon and mailing:
Re: Findlay; S/N 09/913,522; Filed 11/8/01

**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE
RESPONSE**

Respectfully,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

A handwritten signature in black ink, appearing to be the initials 'AB' followed by a checkmark-like flourish.

Attorney Docket No. 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
For: *MODIFIED CALYCINS*

Examiner: Unknown
Group Art Unit: 1614

August 7, 2002


Commissioner for Patents
Washington, DC 20231

STATEMENT IN SUPPORT OF FILING A
SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,


Karen A. Magri
Registration No. 41,965

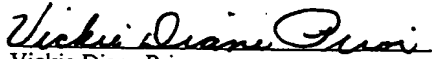


20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on August 7, 2002.


Vickie Diane Prior
Date of Signature: August 7, 2002

Diskette Ref. No: 9052.88
Applicant: Findlay
Title: MODIFIED CALYCINS
Filing Date: November 8, 2001
Date Recorded: August 7, 2002
Computer: IBM NetVista
Operating System: Windows 2000

Diskette Ref. No: 9052.88
Applicant: Findlay
Title: MODIFIED CALYCINS
Filing Date: November 8, 2001
Date Recorded: August 7, 2002
Computer: IBM NetVista
Operating System: Windows 2000

SEQUENCE LISTING

<110> University of Leeds
Findlay, John

<120> Modified Calcyclins

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<141> 2001-11-08

<150> PCT/GB00/00517

<151> 2000-02-17

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9052.88/KAM:vp
October 24, 2002

Commissioner for Patents
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your
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Re: Findlay; Int'l App PCT/GB00/00517; S/N 09/913,522; Int'l Filing
Date 02/17/00

**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE
RESPONSE**

Respectfully,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

AV

Attorney Docket No. 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay

U.S. Serial No.: 09/913,522

International Application No. PCT/GB00/00517

International Filing Date: February 17, 2000

For: *MODIFIED CALYCINS*

Group Art Unit: 1614

October 24, 2002


Commissioner for Patents
Washington, DC 20231

STATEMENT IN SUPPORT OF FILING A
SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence listing, submitted concurrently herewith in accordance with 37 CFR§ 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,


Karen A. Magri
Registration No. 41,965

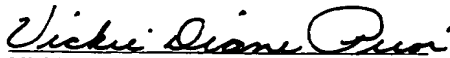


20792

PATENT TRADEMARK OFFICE

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Vickie Diane Prior

Date of Signature: October 24, 2002

Diskette Ref. No. 9052-88
Applicants: Findlay, John
Title: MODIFIED CALCYCLINS
Appl. No.: 09/913,522
Filing Date: Nov. 11, 2001
Date Recorded: October 24, 2002
Computer: IBM NetVista
Operating System: Windows 2000

Diskette Ref. No: 9052-88
Applicants: Findlay, John
Title: MODIFIED CALCYCLINS
Appl. No.: 09/913,522
Filing Date: Nov. 11, 2001
Date Recorded: October 24, 2002
Computer: IBM NetVista
Operating System: Windows 2000

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Commissioner for Patents
Washington, DC 20231

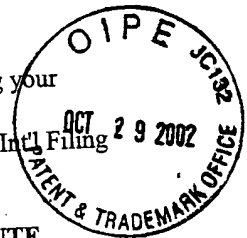
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October 24, 2002

11-03-02A09:44 RCD

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Date 02/17/00



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DISKETTE; COPY-NOTIFICATION OF DEFECTIVE
RESPONSE**

Respectfully,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

EV 472534725 US

SCL:sef

9052-88

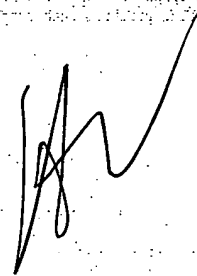
July 21, 2004

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Response Under 37 CFR §1.825(D) And Statement In Support Of Filing A
Substitute Sequence Listing Under 37 CFR § 1.821(F); Copy-Notification of
Defective Response; paper and computer readable copies of sequence listing; In re:
Findlay; Serial No. 09/913,522; Filed February 17, 2000; For: MODIFIED
CALYCINS

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

A handwritten signature in black ink, appearing to be 'JH' or similar, located in the bottom right corner of the page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
For: *MODIFIED CALYCINS*

Confirmation No. 9501
Examiner: Deborah D. Williams
Group Art Unit: 1614

July 21, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE UNDER 37 CFR §1.825(d) AND STATEMENT IN SUPPORT OF
FILING A SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Sir:

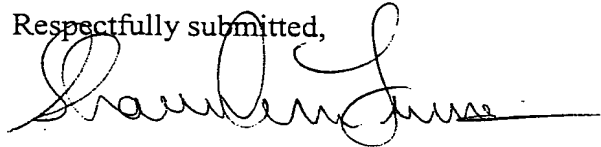
In response to the Notification of Defective Response ("Notification") dated June 22, 2004, attached are substitute paper and computer readable copies of the sequence listing for the above-identified application. The undersigned wishes to note that the Notification indicated that a CRF Diskette Problem Report ("CRFDPR") was attached. However, the CRFDPR was not received by the undersigned with the Notification. Telephone calls were placed to U.S. Patent and Trademark Office ("USPTO") employee Deborah D. Williams on June 28, July 12 and July 21, 2004, requesting a copy of the CRFDPR. However, as of the date of this submission, a copy of the CRFDPR has not been received. In view of the nonextendible deadline of July 22, 2004, the items being submitted herewith are identical to those items previously submitted on October 24, 2002. Should these documents not meet USPTO requirements, the undersigned respectfully requests the issuance of another Notification from the USPTO.

I hereby state that the content of the paper and computer readable copies of the substitute sequence listing, submitted in accordance with 37 CFR §1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

In re: Findlay
Serial No.: 09/913,522
Filed: November 8, 2001
Page 2 of 2

It is not believed that any fee(s) are required for submission of this paper.
However, any fees believed to be due in connection with this paper may be charged to
our Deposit Account No. 50-0220.

Respectfully submitted,



Shawna Cannon Lemon
Registration No. 53,888

Customer Number 20792

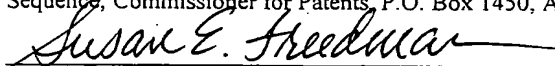
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428, Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: July 21, 2004

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Susan E. Freedman

Date of Signature: July 21, 2004

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PULL TO OPEN →

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S MAIL

Floppy Disk/CD Mailer

Diskette Ref. No: 9052.88
Applicant: Findlay, John
Title: MODIFIED CALYCINS
Filing Date: November 8, 2001
Date Recorded: July 9, 2004
Computer: IBM NetVista
Operating System: Windows 2000

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AVOID EXPOSURE TO ALL MAGNETIC FIELDS

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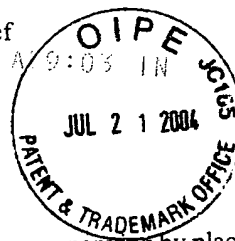
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SCL:sef

9052-88
July 21, 2004

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Alexandria, VA 22313-1450



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Defective Response; paper and computer readable copies of sequence listing; In re:
Findlay; Serial No. 09/913,522; Filed February 17, 2000; For: **MODIFIED**
CALYCINS

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

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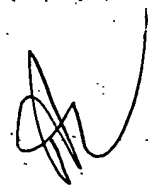
9052-88
January 31, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Kindly acknowledge receipt of the accompanying by placing your
receiving date stamp hereon and mailing:

**Notice Under 37 CFR § 1.251 – Pending Application; Photocopy of U.S.
Application No. 09/913,522; In re: John Findlay; Serial No. 09/913,522; Filed
November 8, 2001; For: MODIFIED CALYCINS**

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

A handwritten signature in black ink, appearing to be a stylized 'M' or 'B' followed by a flourish.

Do Not Scan

TC 1600
Margaret Stevens

PTO-2053-B (Rev. 10/03)

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In re Application of: John Findlay
Application No.: 09/913,522
Filing Date: November 8, 2001
Title: Modified Calycins

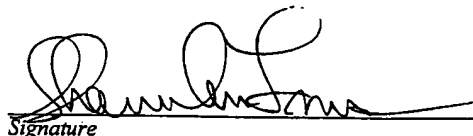
Direct to: Mail Stop RECONSTRUCTION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

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- ☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).
- ☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.
- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

1/31/2005
Date


Signature

Shawna Cannon-Lemon, Registration No. 53,888
Typed or printed name

A copy of this notice should be returned with the reply.

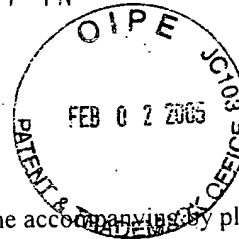
Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

02-07-05 A09:07 IN

SLC:clr

9052-88
January 31, 2005

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Commissioner for Patents
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Alexandria, VA 22313-1450



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Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC

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